

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|--------------------------------|---|-------------------------------------|
| HASSAN A. TUCKER, | : | CIVIL ACTION NO. 1:22-CV-631 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| JOHN E. WETZEL, et al., | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 15th day of July, 2024, upon consideration of the motion for summary judgment (Doc. 37), and the parties' respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion for summary judgment (Doc. 37) is GRANTED in part and DENIED in part.
2. Defendants are granted summary judgment as to plaintiff's due process claim, right to marry claim, and all claims against defendant Kimberley.
3. The motion for summary judgment is denied in all other respects.
4. This case shall proceed solely as to plaintiff's Eighth Amendment claim against defendants Wetzel and Little.
5. Within twenty-one (21) days of the date of this order, the parties shall file a joint status report indicating whether they wish to have the case referred to mediation with this district's Prisoner Litigation Settlement Program.

6. If the case is not resolved through mediation, the court will schedule an evidentiary hearing to determine whether defendants can satisfy the affirmative defense of failure to exhaust administrative remedies.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner
United States District Judge
Middle District of Pennsylvania